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15 Attorneys for Plaintiff
16 Systems America, Inc.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

20 SYSTEMS AMERICA, INC., a Delaware
21 Corporation,

22 Plaintiff,

23 v.

24 THE ST. PAUL TRAVELERS
25 COMPANY, INC., a Minnesota
26 Corporation, and ST. PAUL MERCURY
27 INSURANCE COMPANY, a Minnesota
28 Corporation,

Defendants.

No. C 05 02499 JF

STIPULATION AND (PROPOSED)
ORDER FOR DISMISSAL

The parties have reached a settlement agreement in this matter and hereby stipulate to
dismissal of this matter with prejudice and without costs, pursuant to Rule 41(a)(1)(ii) of the
Federal Rules of Civil Procedure.

DATED: January 24, 2007

BULLIVANT HOUSER BAILEY PC

By Jess Millikan
Jess B. Millikan *By ANN per*
Joye Blanscett *email authorization*
Attorneys for Defendants The St. Paul Travelers
Company, Inc. and St. Paul Mercury Insurance
Company

DATED: January 24, 2007

HELLER EHRLMAN LLP

By Angela Niemann
Angela Niemann (admitted *pro hac vice*)
Christopher Stoll
Attorneys for Plaintiff Systems America, Inc.

ORDER

Based on the parties' representations above, and good cause appearing therefore, it is hereby ordered that this case is dismissed with prejudice without award of attorneys fees and costs to either of the parties.

Dated: 1/24/07

Non. Jeremy Fogel
United States District Court Judge

[SE 2195046 v1]